

ARIZONA DEPARTMENT OF WATER RESOURCES
PUBLIC COMMENT MEETING ON
PROPOSED TRANSFER OF ARIZONA 4th PRIORITY
COLORADO RIVER WATER:
GSC FARM LLC TO THE TOWN OF QUEEN CREEK

* * *

Bullhead City, Arizona
November 20, 2019
(Transcribed from audio recording.)

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PERFECTA REPORTING

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P R O C E E D I N G S

MS. KARTHA: Okay. Good morning everyone. I'll officially start the meeting. For the record, today is Tuesday(sic), November 20th, 2019, and the time is 10:03 a.m. We are at the City of Bullhead City, City Council Chambers at Bullhead City, Arizona.

My name is Vineetha Kartha. I am the Manager for the Colorado River Section at the Arizona Department of Water Resources, and I will be facilitating today's meeting.

With me are Clint Chandler, Assistant Director; Douglas McEachern, Communications Administrator; Kelly Brown, Deputy Counsel; Sharon Scantlebury, Docket Supervisor; and Amy Levy, Water Resources Specialist. Also with me today from the Department is Tom Buschatzke, Director of the Department of Water Resources.

Because the Department is the entity that makes the recommendation to the Secretary of the Interior, the Director is here to listen to your comments and observe the proceedings but will not be making any comments or responding to any inquiries.

We do not have a court reporter here today,

1 but we are using an audio recorder to record your
2 comments. As such, it is important for speakers to
3 please speak up and speak slowly so that the audio
4 recorder can accurately record your comments. If
5 anyone has difficulty hearing me or a speaker, please
6 let me know.

7 If you haven't already done so, please sign
8 the sign-in sheet on the table near the entrance.
9 There are also speaker cards available on the table.
10 Like this. If you desire to speak today, please fill
11 out a speaker card, if you haven't done so already, and
12 submit your card to Sharon Scantlebury.

13 The purpose of today's meeting is to provide
14 members of the public with the opportunity to make oral
15 or written comments on the pending application for the
16 proposed transfer of the GSC Farm LLC's 4th Priority
17 Arizona Colorado River Entitlement to the Town of Queen
18 Creek.

19 Pursuant to the Department's substantive
20 policy statement entitled "Policy and Procedure for
21 Transferring an Entitlement of Colorado River Water,"
22 the Department advertised the proposed transfer on
23 November 7th and November 14th, 2019, in Arizona
24 Republic, a newspaper of general circulation within the
25 state of Arizona.

1 The application is also available on the
2 Department's website at:
3 www.new.azwater.gov/public-notice/proposed-transfer-gsc
4 -farm.

5 The Department's substantive policy statement
6 states that the Department will accept comments on a
7 proposed transfer for 30 days following the second
8 advertisement of the proposed transfer. Because the
9 30th day following the second advertisement of this
10 proposed transfer is a Saturday, comments will be
11 accepted until 5 p.m. on the following Monday, which is
12 Monday, December 16th, 2019.

13 The Department held a meeting at the ADWR
14 offices yesterday and will also be holding meetings at
15 the Town of Parker this afternoon and the City of Yuma
16 tomorrow to provide members of the public additional
17 opportunities to make oral or written comments on the
18 proposed transfer. The times and locations of those
19 meetings are shown on the Department's website at the
20 address mentioned previously.

21 Today's meeting will be conducted in a formal
22 manner. As I mentioned previously, an audio recorder
23 is recording all the statements. A copy of the
24 transcript will be available for review at the
25 Department's office and will also be posted on the

1 Department's website when it is available. Please be
2 aware that the Department will not be responding to any
3 questions or comments at today's meeting. If anyone
4 has any questions or comments on issues or programs
5 that are outside the scope of today's meeting, you can
6 contact either me or any of our staff members after the
7 meeting.

8 At the conclusion of the meeting, I will be
9 accepting any written comments or documentary evidence
10 that anyone may wish to submit to the Department
11 regarding the pending application. The Department
12 will also accept written comments until 5 p.m.,
13 December 16th, 2019.

14 The written documents should be submitted to
15 the Department's Docket Supervisor, Sharon Scantlebury
16 by email to sscantlebury@azwater.gov. I will spell it
17 out. S-S-C-A-N-T-L-E-B-U-R-Y@azwater.gov or fax at
18 602-771-8686. A copy of the public notice with
19 Sharon's contact information is posted on the
20 Department's website. Sharon's business cards with her
21 contact information are available at the sign-in desk
22 if you would like one.

23 Within 60 days from December 16, 2019, the
24 Director of ADWR will issue a recommendation regarding
25 the proposed transfer to the United States Secretary of

1 the Interior, unless additional time is needed to
2 resolve claims of negative impacts to third parties.

3 Some entities or individuals may claim that
4 they will be negatively impacted if the proposed lease
5 and transfer is approved. If potential negative
6 impacts are claimed, the Department will notify GSC
7 Farm, LLC, and the Town of Queen Creek about the
8 claimed impacts.

9 Upon notification of the claims, the
10 Department will provide up to 90 days for all parties
11 to attempt to resolve or mitigate the claimed impacts
12 and to provide information to the Secretary. If agreed
13 by all parties, an extension may be granted if more
14 time is needed to resolve outstanding issues.

15 I will now describe the proposed transfer in
16 greater detail.

17 Please watch your monitors. Also please let
18 me know if I go -- I'm going really fast and if you are
19 unable to understand what I am saying.

20 So my presentation today is roughly divided
21 into three sections. I will start with a broad
22 overview of the Department's authorities, followed by
23 the key points of the Substantive Policy Statement, the
24 policy that guides the mainstream Colorado River
25 transfers.

1 Finally, I'll go over the key details of the
2 proposed transfer from GSC Farm, LLC, to the Town of
3 Queen Creek for 4th Priority Arizona Colorado River
4 Water Entitlement to the Town of Queen Creek.

5 Pursuant to State Statute at 45-105, the
6 Director is generally responsible for the management
7 and also for formulating plans and programs for the
8 development, conservation and use of surface and
9 groundwater throughout the state.

10 Pursuant to State Statute 45-107, the
11 Director is to serve as the State's representative in
12 matters relating to the State's interests in Colorado
13 River, specifically the Director is authorized on
14 behalf of the State of Arizona to consult, advise and
15 cooperate with the Secretary of Interior of the United
16 States.

17 In that regard, the Department of Water
18 Resources is the entity charged with promoting,
19 protecting and comprehensively managing Arizona's
20 annual apportionment of 2.8 million acre-feet of
21 Colorado River water.

22 Consistent with these responsibilities under
23 State Statute at 45-107, entities that contemplate the
24 transfer of their entitlements are required to
25 cooperate, confer and obtain the advice of the Director

1 of the Department.

2 Due to the importance of the distribution of
3 Colorado River water to the welfare and economy of the
4 state and because in most cases mainstream water is the
5 only dependable supply for urban, industrial and
6 agricultural water users, Substantive Policy Statement
7 was adopted to ensure adequate and consistent
8 evaluation of any proposed transfer of a Colorado River
9 entitlement.

10 The policy statement establishes the policy
11 and procedure for transferring an entitlement of
12 Colorado River water. The policy statement also
13 describes the criteria and analysis the Department will
14 utilize to evaluate proposed transfers, including
15 conveyances, leases or assignments, of mainstream
16 Colorado River water.

17 After all the necessary documents have been
18 submitted, conveyance and lease actions are subject to
19 a public notice process. The public notice process
20 includes advertising the proposed transfer once a week
21 for two consecutive weeks in a newspaper of general
22 circulation within the state.

23 In this case the newspaper advertisement was
24 on November 7th and November 14th. The Department will
25 also provide a notice to the County Planning and Zoning

1 Department office within the county of origin. We had
2 sent out a notice to the La Paz County Planning and
3 Zoning Department for this particular case.

4 The contractor conveying its entitlement must
5 provide notice to all water users within its contract
6 service area. The Department also maintains a list of
7 interested parties, and notices are sent to those
8 entities on the list as well.

9 Pursuant to the Substantive Policy Statement
10 the Director will review any proposed transfer by a
11 non-Federal Arizona contractor of the Colorado River
12 entitlement for the purpose of determining the
13 potential impacts caused by the redistribution of
14 water.

15 During the review, the Director will consider
16 several factors including potential negative impacts to
17 the water supplies of other Colorado River entitlement
18 holders, water quality impacts to the water supplies of
19 other Colorado River entitlement holders, and water
20 quality impacts related to return flows and other
21 pertinent impacts that could occur as a result of the
22 proposed transfer.

23 Public comment is also considered during the
24 Department's review. The Director will issue a
25 recommendation within 60 days from the end of the

1 comment period unless additional time is needed to
2 resolve claims of negative impacts to third parties.
3 If there are claims of negative impacts, the Department
4 will also provide up to 90 days for all parties to
5 resolve or mitigate claimed impacts. An extension may
6 be requested.

7 This slide provides a snapshot of the
8 transferring entity, GSC Farm, LLC. GSC Farm, LLC, is
9 located within La Paz County, Arizona. GSC Farms
10 currently holds a Section 5 contract with the U.S.
11 Bureau of Reclamation for a Colorado River Arizona 4th
12 Priority Diversion Entitlement of 2,913.3 acre-feet per
13 year.

14 GSC Farms own around 504 acres of land, out
15 of which 485.5 acres are irrigable acres. Based on the
16 information provided to the Department by the GSC Farm,
17 all the irrigable acres are being irrigated annually.

18 GSC Farm is proposing to transfer a
19 consumptive use volume of 2,083.1 acre-feet. This
20 quantification is based on an unmeasured return flow
21 factor of 28.5 percent. If the Colorado River water
22 entitlement is transferred from GSC Farm, these lands
23 will be retired from agricultural production.

24 Future water supplies that may be available
25 to these lands include Cibola Valley Irrigation and

1 Drainage District, which holds 300 acre-feet per year
2 of 4th priority entitlement for domestic use, which
3 could serve as a water supply for the potential
4 development of the land.

5 The Town of Queen Creek is a receiving entity
6 located within Maricopa and Pinal Counties. The
7 request for consultation states that the Town of Queen
8 Creek's current annual demand is 15,100 acre-feet.
9 Queen Creek fulfills these demands through a
10 groundwater supply of 42,421 acre-feet, a CAP supply of
11 495 acre-feet and an effluent supply of 2,000
12 acre-feet. Queen Creek's future demand is expected to
13 be 43,500 acre-feet.

14 In addition to the proposed transfer of
15 Colorado River water, the request for consultation
16 states that Queen Creek's foreseeable future water
17 sources include an additional 4,100 acre-feet of CAP
18 water and 8,000 acre-feet of effluent water supplies.

19 Queen Creek is proposing to store the
20 transferred water within the Roosevelt Water
21 Conservation District and recover water within Queen
22 Creek's service area. The proposed transfer will
23 change the place of use, type of use and the point of
24 diversion.

25 The request for consultation that was

1 submitted by GSC and Queen Creek also includes other
2 supporting documents including Section 5 contracts and
3 a purchase agreement between GSC and Queen Creek.
4 These documents are available for viewing and
5 downloading on the Department's website.

6 This concludes my presentation on the
7 proposed transfer. We shall now move on to the
8 public -- we shall now move on to the comment segment
9 of the agenda.

10 I also want to point out that this
11 presentation is posted on our website. This is the
12 exact same presentation I will be providing to all the
13 venues.

14 Yesterday's presentation is already on our
15 website; and as soon as we're done, we'll present --
16 we'll post this on our website as well.

17 As I mentioned earlier, the purpose of
18 today's meeting is to provide members of the public
19 with the opportunity to make oral or written comments
20 on the pending application for the proposed transfer of
21 GSC Farm, LLC's 4th Priority Colorado River Water
22 Entitlement to the Town of Queen Creek.

23 We, therefore, want to ensure that every
24 person who wishes to speak today has an opportunity to
25 be heard, so I will ask that only one person speak at a

1 time. All speakers should use the microphone and give
2 their name and affiliation.

3 All comments should be addressed to the
4 Department of Water Resources, should be relevant to
5 the application, and should be respectful of the
6 process.

7 Each speaker will be allowed no more than
8 three minutes so everyone has an opportunity to speak.
9 Time allotted for public comments can be used most
10 efficiently by selecting a single representative to
11 speak on behalf of a group or organization.

12 Please be respectful and allow the speaker to
13 proceed without interruptions. This will allow us all
14 to hear and listen to each other's comments and for the
15 audio recorder to accurately capture today's dialogue.

16 I will now begin calling the names of the
17 individuals who submitted speaker cards. If you wish
18 to speak and have not filled out a speaker card, please
19 fill out one of the cards on the table near the
20 entrance and provide your card to Sharon.

21 When I call your name, please come up to the
22 podium, state your name, identify any person or entity
23 that you represent and then provide your comments.

24 The first name is Tom Brady, Mayor of
25 Bullhead City.

1 MAYOR BRADY: Good morning. My name is
2 Tom Brady. We all realize the importance of the
3 Colorado River water. Mark Clark is our City Council
4 member. He is going to address it in further length
5 than I will, so I'm not going to take much of your
6 time, but I just want to go on the record that Bullhead
7 City Council and the Mayor of Bullhead City are opposed
8 to any transfer of Colorado River water.

9 MS. KARTHA: Next we have Regina Cobb,
10 state representative.

11 MS. COBB: Good morning. For the
12 record, State Representative Regina Cobb, District 5.
13 I represent Mohave and La Paz County. Thank you all
14 for coming in, and I appreciate the Department of Water
15 Resources for holding these meetings in all of our
16 communities. I think this was the most important time
17 to -- or the most important place to be able to hold
18 these. These are the people it's going to be
19 impacting. We have that one in Parker this afternoon
20 and one in Yuma tomorrow.

21 I opened the meeting yesterday telling a lot
22 of facts and thank God we had a few people behind me
23 that kind of supported everything that I -- I presented
24 and some articulate, really great speakers, and I lost
25 a contact just before I got up here yesterday, so I

1 brought my glasses today so that I won't have that
2 issue again. So it was -- it was a great meeting
3 yesterday.

4 A couple of things. One of the things is
5 that when I left the meeting yesterday, a reporter came
6 up to me and asked me -- he said what do you know about
7 Greenstone and what -- what's going on with their
8 company? And I said, you know what, all I know is that
9 I -- I have been told that they are a water broker; but
10 before tomorrow, I'll learn more about them.

11 I'll tell you that's a difficult task. It
12 was very difficult finding anything out about this
13 company. It's a company out of Delaware. They are a
14 water broker. They purchase properties, 450 acres in
15 2008, and then they purchased them again in 2000 --
16 another 40 acres in 2014, and then they also went in
17 with El Mirage as a -- as a company that they went
18 together and bought extinguishing -- extinguishing
19 credits, and I think have sold those since, but there
20 was about 29,000 plus extinguishing credits bought for
21 \$150.

22 So that's what they're doing. They're
23 selling water. They're brokering water. They're not
24 coming into our communities. They're not investing in
25 our communities. And yesterday we heard a lot from the

1 advocates on -- some cases that they had cited. All
2 those cases that they cited yesterday were not anything
3 to do with Colorado River water. Every one that they
4 cited were surface water, were property rights waters,
5 was all about surface water, not about Colorado River
6 water.

7 And I also was taken back by the demeaning.
8 I also said they were arrogant and greedy, but they
9 proved it. A lawyer yesterday demeans Cibola area and
10 said that this godforsaken place on the east side of
11 the -- of the state and we don't even know where
12 they're at and that Queen Creek is deserving of this
13 water. That's what we're talking about. This sets a
14 priority for all of us. It sets a priority.

15 Yuma came in yesterday. They spoke against
16 it. And they said this has nothing to do with Yuma.
17 Why are you here speaking against it? And that's
18 because they are a Colorado River community and they
19 know what happens here in Mohave County, what happens
20 in La Paz County is going to happen in Yuma, and so I
21 appreciate all of you being here today and thank you
22 again for giving me the time.

23 MS. KARTHA: The next speaker is
24 Chairman Hildy Angius.

25 MS. ANGIUS: I'm going to speak a little

1 longer.

2 Good morning. For the record, I'm Hildy
3 Angius. I'm speaking today as the Chairman of the
4 Mohave County Board of Supervisors, and I am the
5 supervisor for District 2. That covers Bullhead City
6 down to Fort Mohave. I appreciate the opportunity to
7 make these comments today, and I ask that they be
8 submitted in the written record as written comments as
9 well. I want to thank Director Tom Buschatzke and the
10 Department for conducting this public meeting and
11 comment process regarding the proposed transfer and for
12 holding meetings here in Bullhead City, Parker and
13 Yuma.

14 As for Greenstone and the Town of Queen
15 Creek's proposed transfer of 2,088 acre-feet of Arizona
16 4th Priority Colorado River Water Entitlement to the
17 Central Arizona and to the Town of Queen Creek, I rise
18 today to advise Arizona Department of Water Resources
19 and Director Tom Buschatzke of Mohave County's
20 position.

21 As a matter of public policy, Mohave County
22 opposes the transfer of 4th priority Colorado River
23 water that has already been allocated to communities
24 along the river away from the main stem of the river
25 for use in Central Arizona. It is the transfer of this

1 water away from the main stem of the river that Mohave
2 County must oppose by all means and all forms and for
3 as long as it takes.

4 Of course, this is not the first attempt --
5 attempt to transfer of 4th priority rights from river
6 communities. I wish to recognize the Central Arizona
7 Water Conservation District and their Board of
8 Directors. Those Directors heard all of our voices in
9 2017 and 2018, and they decided by a unanimous vote in
10 June of 2018 to withdraw from a proposed purchase and
11 sale agreement to acquire water contracts from the
12 company, Water Asset Management, and inside the Mohave
13 Valley Irrigation and Drainage District in Mohave
14 County.

15 Also the Town of Quartzsite has attempted a
16 lease of their 4th priority rights from the river
17 communities, and this Department did not give that
18 proposal a favorable recommendation.

19 And so today we, again, ask you to recommend
20 disapproval to the Department of Interior and its
21 Bureau of Reclamation of this proposed transfer by
22 Greenstone of its contract with the Bureau of
23 Reclamation to the Town of Queen Creek in the form of a
24 new contract approved and issued by the Bureau of
25 Reclamation.

1 Here are reasons: First, the water
2 Greenstone seeks to transfer is the economic life blood
3 of our river communities. It is our very future, and
4 Greenstone seeks to wheel it to far wealthier
5 communities for their own benefit. Our citizens demand
6 that we protect their interests and oppose this action
7 by all means.

8 The damage this transfer will cause for the
9 people of my district and inevitably all of rural
10 Arizona if it goes through, is the wealth produced by
11 this water through economic development will be
12 generated in Central Arizona. That water is the
13 economic life blood of the river communities and once
14 it is gone, it will never return.

15 This water was reserved to the river
16 communities in the 1970s for their future economic
17 security, and the water will move up and down the river
18 to benefit us all. And now we are growing in the river
19 communities. Third party companies from out of state
20 seek to transfer this water away from us.

21 If the Department breaks with precedent and
22 allows the water to leave this or any rural region,
23 those communities left behind cannot grow. Our future
24 will be shipped to Central Arizona.

25 MS. KARTHA: Ms. Angius, your time is

1 up, but I could certainly take your written comments.

2 MS. ANGIUS: Okay, and we also have the
3 resolution that we passed unanimously from the Board of
4 Supervisors on Monday.

5 That was three minutes?

6 MS. KARTHA: Yes.

7 MS. ANGIUS: It goes fast. I was
8 reading as fast as I can.

9 SCOTTY: She can have my three minutes.

10 MS. ANGIUS: Thanks, Scotty.

11 All right. This water is -- Where was I?
12 You may ask the value of this water to our river
13 communities. The Town of Queen Creek has answered that
14 question in their press release of August 1st, 2019, in
15 which they value this water at 307.7 million dollars of
16 annual economic impact in Central Arizona. That is
17 wealth that will eventually, not tomorrow, be generated
18 right here in the river communities. It cannot be
19 transferred away from the river. The 307.7 million
20 dollars of annual wealth is the value of this water,
21 and it cannot leave these communities.

22 Second, there exists today other sources of
23 water that are available to Queen Creek to provide
24 water for Arizona's urban growth.

25 Three examples: The Harquahala Basin --

1 sorry I mispronounce that -- offers water that can be
2 obtained in transfer today to Queen Creek, the Central
3 Arizona Groundwater Replenishment District or CAGRD is
4 available today for development in Queen Creek and the
5 Gila River Indian Community water is available today,
6 and the community has created an entity to lease water
7 to other parties in Central Arizona.

8 Please include in your record that the County
9 Supervisors Association Resolution 2019-03 passed on
10 October 30th, 2019, in which the Association opposes
11 this transfer and our own Mohave County Board
12 Resolution that I just mentioned, Number 2019-138,
13 issued on November 18th, 2019. I'd attach them to my
14 comments today.

15 As your public comment period extends to
16 December 16th, 2019, I anticipate additional counties
17 and cities will pass resolutions opposing this proposed
18 transfer and will provide those resolutions to the
19 Department.

20 Thank you very much again for conducting this
21 public process to consider this proposed transfer. And
22 thank you, Scotty, for giving me your time.

23 MS. KARTHA: Next we have Jean Bishop.

24 MS. BISHOP: Good morning everyone, and
25 thank you for this opportunity to speak to you today.

1 For the record, my name is Jean Bishop, but I'm
2 speaking today as a supervisor for District 4. That
3 covers parts of Kingman, Golden Valley and Meadview. I
4 appreciate the opportunity to make these public
5 comments today, and I ask that they also be submitted
6 in the written record as written comments as well.

7 So I want to thank Director Buschatzke and
8 the Department for conducting this meeting and the
9 public comment process regarding the proposed transfer
10 and holding these meetings not only here in Bullhead
11 City but also this afternoon in Parker and then
12 tomorrow in Yuma.

13 So as far as Greenstone and the Town of Queen
14 Creek's proposal to transfer the 2,088 acre-feet of
15 Arizona 4th Priority Colorado River Water Entitlements
16 to Central Arizona and the Town of Queen Creek, I rise
17 today to advise the Arizona Department of Water
18 Resources and Director Buschatzke that Mohave County's
19 position is, as a matter of public policy, Mohave
20 County opposes the transfer of 4th priority Colorado
21 River water that has already been allocated to
22 communities along the river, away from the mainstream
23 of the river for use in Central Arizona.

24 It's the transfer of this water away from the
25 main stem of the river that Mohave County must oppose

1 by all means and all forms and for as long as it takes.

2 Supervisor Chairman Angius pretty much
3 already gave the speech that I was going to give and
4 she did it eloquently, so I'll just ditto what she said
5 and -- and ask you to -- to oppose this transfer, and
6 I've submitted my written comments, so they are on the
7 record, and I will relinquish the rest of my time.
8 Thank you very much.

9 MS. KARTHA: Next we have Ron Gould.

10 MR. GOULD: Thank you. Good morning.
11 You heard two other members of the Mohave County Board
12 of Supervisors talk about our unanimous resolution that
13 we oppose transfer of Colorado River water that was
14 intended for the use along the Colorado River to
15 Central Arizona.

16 I don't know how many of you ever watched the
17 show Cadillac Desert. Well, Cadillac Desert is about
18 the City of Los Angeles taking the water from the Owens
19 Valley in California and how it dried up farming and
20 dried up their economy in that area.

21 I don't want that to happen in my area. I
22 represent the 5th District, which is essentially along
23 the Colorado River.

24 What happens, people move here and raise
25 their children and their children then have to leave

1 because their children can't find an adequate job in
2 our area because of our lack of economic development.
3 If you take our water, you're going to make our
4 situation even worse.

5 If I want to visit my grandchildren, I have
6 to go down to Phoenix to do that. And if you talk to
7 other constituents in my area, they have to do the same
8 thing. Their children are dispersed because they can't
9 find a job that will support their family in our area.

10 So I ask you please don't transfer this water
11 to the Phoenix area and make Mohave County Arizona's
12 version of the Owens River Valley.

13 Thank you.

14 MS. KARTHA: Next we have Jen Miles,
15 Mayor of City of Kingman.

16 MAYOR MILES: Good morning. Thank you
17 for the opportunity to make comments on this transfer
18 of water. I appreciate this. I am Jen Miles, the
19 Mayor of City of Kingman, and I'm here representing the
20 entire Council and the resolution that we passed last
21 evening opposing the transfer of this 2,083.1 acre-feet
22 of 4th priority water from La Paz County to the Town of
23 Queen Creek.

24 Kingman is a city that relies on groundwater.
25 We do not draw from the Colorado River; however, we are

1 here to support what we call the on-river communities
2 because we are a region. Our region grows together and
3 we work together as three -- three major cities in
4 Mohave and with our partners in La Paz.

5 I think it's been well stated that the
6 transfer of this water sets a precedent that is
7 unacceptable. Our economic vitality and growth depends
8 on water. And we are growing, as I said, and we are
9 growing in a way that is going to enrich not only our
10 region but the whole state of Arizona.

11 And so we passed a resolution, and I won't
12 read the whole thing, but I will mention the obvious.
13 Water is one of Mohave County's most precious resources
14 that is in jeopardy of being depleted if not managed
15 adequately. It is an essential scarce resource
16 necessary for continued growth and economic development
17 of these on-river communities.

18 And both Mohave and La Paz Counties have
19 previously received disaster drought designations and
20 termed water shortage hotspots in a Bureau of
21 Reclamation report, which serves to intensify our
22 concern.

23 And basically the transfer of water
24 entitlements from smaller river communities to benefit
25 metropolitan areas which have alternative water

1 resources available to them sets a bad precedent and
2 places the local water supplies and economic future of
3 rural jurisdictions at risk.

4 Therefore, the Mayor and Common Council of
5 the City of Kingman, Arizona oppose the contemplated
6 transfer of 2,083.1 acre-feet of 4th priority water
7 from La Paz to the Town of Queen Creek. Thank you for
8 your time.

9 MS. KARTHA: Next we have Travis
10 Lingenfelter, Vice Mayor of City of Kingman.

11 VICE MAYOR LINGENFELTER: Thank you very
12 much for your time this morning. I appreciate it.
13 Very proud of the resolution that the City of Kingman
14 just adopted last night.

15 This is not a precedent that should be set.
16 And Kingman, Arizona stands with our partners in the
17 river communities against this, and we will stand
18 against water transfers outside of Mohave County for as
19 long as it takes.

20 From what I've seen, Central Arizona already
21 has 90 percent of the CAP allocation and now they are
22 coming for that last 10 percent. And the river
23 communities they have the right to this water. They
24 have just as much right to grow and prosper and to be
25 successful as Queen Creek does. So I'll leave it very

1 short and say that the City of Kingman stands with the
2 river communities against this transfer. Thank you.

3 MS. KARTHA: Next we have Lois Wakimoto.

4 MS. WAKIMOTO: I'm going to say thank
5 you first. Don't count that against my three minutes.
6 Thank you, Director Buschatzke, and the DWR staff for
7 traveling out here. Don't start my three minutes. I
8 want to tell you how much we appreciate you coming out
9 here.

10 My name is Lois Wakimoto. I live in Mohave
11 Valley, and for the record I'm a retired farmer, and I
12 also represent Bullhead City Water Advisory Council.

13 This transfer that we're talking about -- and
14 I'm going to start out with the end of my speech just
15 in case I run out of time.

16 To be clear, I oppose the proposed transfer
17 and ask you to oppose it and recommend it against --
18 recommend against the approval by BOR.

19 But I learned several things yesterday as I
20 listened to the -- to the meeting that was going on.
21 First of all, I learned that the 164,000 acre-feet of
22 4th priority Colorado River water that was set aside by
23 the State of Arizona for the river communities -- well,
24 the river communities don't really -- that's just a
25 thought.

1 So as a previous farmer who has farmed in
2 Mohave Valley, the east side of Maricopa and the west
3 side of Maricopa and happened to move here to Mohave
4 Valley because of water, I'm glad nobody told me that
5 it was just kind of a place that I was moving to, that
6 the river communities actually exist, and I hope that
7 the people from Page to Yuma realize that we kind of
8 exist.

9 It's really sad if you look at everything
10 that the river communities bring to the state of
11 Arizona.

12 And as we look at farming as one of the big
13 assets, transferring this water from this area will
14 devastate that farm. It will no longer be in
15 production, which in a sense for a state that was based
16 on -- oh, one minute -- okay, based on cotton, cattle
17 and -- cotton and cattle, devastating the agriculture
18 itself is wrong. Look at Yuma that provides not only
19 produce for this state but for the entire nation.

20 We as a river community, as good ambassadors
21 for the state of Arizona, bring people to this area,
22 and we ask that they not only move to the river cities
23 but they move to Central Arizona. So what is good for
24 us in this area, as we learn from Central Arizona, is
25 that he who has water wins. We've learned that from

1 Central Arizona. We want to win. We want to keep our
2 water. And taking any part of the 164,000 acre-feet of
3 4th priority water from this area means less
4 development, less economic growth and reduction of
5 agriculture. Thank you.

6 MS. KARTHA: Next we have Mark Clark,
7 and because Mr. Clark is representing more than one
8 organization, we'll be giving him an extra minute.

9 MR. CLARK: Extra three minutes, right?
10 Maybe Scotty can give me some of his time, too, since
11 it wasn't all used by Hildy.

12 I'd like to thank you for coming to the river
13 communities to hear our concerns about this proposed
14 transfer. For the record, my name is Mark Clark. I am
15 the Chairman of the Mohave County Water Authority, and
16 I am a Bullhead City Councilman.

17 Yesterday the Bullhead City Council passed
18 Resolution 2019R-49 opposing this transfer. And on
19 December 17th, 2018, the Mohave County Water Authority
20 passed a similar resolution opposing this transfer.
21 And, in fact, in -- next month the Mohave County Water
22 Authority will take this up again and pass another
23 resolution, a little stronger resolution in opposition
24 to this transfer.

25 I want to make our policy position perfectly

1 clear. We oppose the proposed permanent sale and
2 transfer of any 4th priority water off the river to
3 Central Arizona.

4 This is the third time in a short time span
5 that an entity in Central Arizona is considering the
6 transfer of rural Arizona's water supply from the
7 Colorado River main stem and the resulting detrimental
8 impact on rural Arizona's future water and economy.

9 The water that Greenstone seeks to -- your
10 approval to sell and transfer is the economic life
11 blood of rural communities in La Paz, Mohave and Yuma
12 Counties. It is our very future that Greenstone seeks
13 your approval to wheel to Central Arizona.

14 Our citizens demand that we protect their
15 interests and that we oppose this action by all means.
16 This lost economic opportunity can never be recovered.

17 Here are some of the reasons why I ask you to
18 recommend disapproval to the Department of Interior and
19 the Bureau of Reclamation of this proposed transfer:
20 Arizona specifically reserved the 164,652 acre-feet or
21 9.89 percent of Arizona's 4th priority Colorado River
22 Water Entitlement for on-river entitlements.

23 This water Greenstone seeks to transfer is
24 reserved to Arizona's Colorado River communities. The
25 reservation of this 164,652 acre-feet to the river

1 communities is recognized in the master repayment
2 contract between the Department of Interior and CAWCD.

3 Historically Arizona has taken the position
4 that it's the Department's unequivocal position that
5 this water is to be reserved for the future M&I use
6 along the river. It is not to be considered as surplus
7 available for any other purpose. See the 1990 ADWR
8 letter from Director Bill Plummer.

9 The contract between Greenstone and Queen
10 Creek is designed such that 450 acres of cultivated
11 land will have no contract water rights left on it.
12 Greenstone then intends to turn around and ask its
13 neighbors for additional water for it to develop those
14 lands.

15 Once Greenstone receives that additional
16 water from its neighbors, there's nothing to preclude
17 them should this transfer go through from transferring
18 that additional water to Central Arizona.

19 Apparently sending 2,000 -- roughly 2,088
20 acre-feet of water to Central Arizona, Greenstone will
21 turn and obtain more water from other river entities.
22 This transfer will negatively impact 4th priority
23 mainstream entitlement holders because there is no
24 other water source available for future M&I and
25 agricultural uses along the Colorado River. I repeat

1 the mainstream users have no other alternative water
2 resources as Central Arizona does.

3 In closing, please include in the record our
4 Resolution 2019R-49 from Bullhead City and Resolution
5 19-001 from the Mohave County Water Authority opposing
6 this transfer that I have attached to my record today.

7 Thank you for letting me speak this afternoon
8 or this morning.

9 MS. KARTHA: Next we have Perry
10 Muscelli.

11 MR. MUSCELLI: Thank you. My name is
12 Perry Muscelli, and I'm a farmer in the Mohave Valley,
13 and I'm here today on my own volition, and there was no
14 quid pro quo. Let me get that out there.

15 Water rights are a property right that I --
16 and I reject the idea that the County controls the
17 farmers' water and can take it. The farmers and their
18 farms are the reason the water is even here. It was
19 their efforts dating back almost a 100 years, that the
20 water rights are -- are -- are here on the river in
21 many, many cases here including the Mohave Valley
22 where -- where I farm.

23 Forcing farmers to continue to farm alfalfa
24 perpetuate is a very bad water policy in my opinion.
25 The river communities in the Mohave County have plenty

1 of surplus water today. In fact, I think it should
2 be -- everyone should be concerned that they will
3 forfeit surplus water that's not put to beneficial use.
4 In the coming shortages, I think this is a real risk,
5 yet the County wants to claim control of even more
6 water without compensation.

7 If shortages continue and the County has its
8 way, the water will continue to be squandered growing
9 low value crops while other urgent needs in Arizona go
10 unsatisfied.

11 Why does Mohave County want the water locked
12 down so badly? It's only because they feel they may
13 need it in the long-term, the indefinite long-term
14 future, and they don't want to have to compete and pay
15 a fair price for water to the farmers, whose efforts
16 are the sole reason it's even there to talk about.

17 It is like if the County refuses to allow an
18 owner of vacant land to build a house on it because
19 they might need it someday to build a freeway. It
20 is -- it is like telling someone they cannot rent or
21 sell their house for the same reason, to keep the price
22 down in case they might need it for -- for their future
23 use.

24 In my experience when government uses
25 authority to take rights from an owner, it must pay

1 fair and just compensation. There's no fair and just
2 compensation being offered at all.

3 Restricting farmers from renting or selling
4 their perpetual rights to use Colorado water is forcing
5 them to grow alfalfa in the Mohave desert is very bad
6 policy.

7 Treating water like it has no value and it
8 belongs free of charge to the County is tantamount to
9 eminent domain taking without compensation. Thank you.

10 MS. KARTHA: Next we have Chip Sherrill.

11 MR. SHERRILL: Good morning. My name is
12 Chip Sherrill. I'm a farmer in Mohave Valley, and I
13 feel the same way Perry does. If you take and let
14 government control our water and tell us what they're
15 going to do with the water when we got it here in the
16 first place to help development, to help water supplies
17 up and down the Colorado River and the whole state for
18 that matter --

19 If we don't help mitigate problems that are
20 in Phoenix, problems that are in Buckeye and work
21 together instead of getting these lawyers and
22 everything else together and fighting everything that
23 you see about water -- I think it needs to be studied
24 more. I think everybody needs to calm down and think
25 about what's going on here and what the farmers' rights

1 are. The farmers have rights. They brought this water
2 here. It's the only reason it's here.

3 Can transfers be done? I think they should
4 to help mitigate the problems that they have in the
5 Phoenix and the Buckeye and all the different cities,
6 to help them out. They'll help us out in the future.
7 And that's my feeling. And I know that everybody goes,
8 oh, it's Owens Valley all over again. I don't believe
9 that. I believe that farmers should have the right to
10 use that water, and it should not be taken by
11 government. So that's where I stand. Thank you.

12 MS. KARTHA: Next we have Nan Nicoll.

13 UNKNOWN VOICE: She left.

14 MS. KARTHA: Please let the record
15 reflect that Nan Nicoll left.

16 Next we have John Pynakker.

17 MR. PYNAKKER: Thank you. Good morning.
18 I thank you for coming here, especially you, Director
19 Buschatzke, and allowing our citizens, businesses,
20 community leaders, local and county governments to give
21 you their input on this very important issue.

22 My name is John Pynakker. I'm the president
23 and CEO of the Bullhead area Chamber of Commerce. I
24 represent 617 businesses and over 13,000 employees of
25 these companies. Companies located in my area

1 including -- include the on-river communities of
2 Bullhead City, Laughlin, Fort Mohave, Mohave Valley and
3 Needles, and we oppose the transfer of 4th priority
4 water from any on-river community to Central Arizona.

5 We opposed it when the Central Arizona
6 Project tried to purchase it in Mohave Valley. We
7 oppose it being sold to Queen Creek, and we will oppose
8 it every time that it comes up in the future. The 4th
9 priority water is the only water available for the
10 on-river cities.

11 And Queen Creek they have other options
12 available, as Queen Creek Mayor Gail Barney stated in
13 her(sic) press release dated August 1st of 2019.

14 The water is part of the 164,652 acre-feet of
15 water reserved for the on-river communities and is
16 recognized in the master repayment contract between the
17 Department of the Interior and the Central Arizona
18 Water Conservation District, as Mark Clark stated.

19 This water transfer is not only wrong in that
20 it will move water away from areas where it was
21 designated, but it will also have a devastating effect
22 on our economic opportunity and growth in an area where
23 we have seen substantial growth. We have many
24 businesses that move here due to the cost of living,
25 the scenery, the business-friendly local and gov --

1 government and the availability of resources, water
2 being one of those resources.

3 Queen Creek is asking to take water away from
4 our -- from an on-river community to help develop an
5 area lacking those resources. I can't see why anyone
6 would want to move to an area that lacks what they
7 need. However, that seems to be exactly what is
8 happening over and over again.

9 Mr. Sherrill -- I respect him a lot by saying
10 that we need to help these other parts of the state.

11 If there's a problem, you should -- should
12 not move there. We have a very limited supply of
13 4th priority water. And allowing Queen Creek to
14 purchase it, because in the words of Mayor Barney this
15 helps us move away from our long-term dependence on
16 groundwater, is ridiculous. Build your community based
17 on the groundwater or water allocation that you have.
18 If a community is lacking the resources, perhaps that
19 is a community you should not move to.

20 This is a fight we have fought before with
21 our own MVIDD and the result was the fallow land to
22 keep the water behind the dam. We have cited how
23 losing water allocation even temporarily could have
24 damaging consequences to our economic development.

25 We have had attorneys, politicians, community

1 leaders, and many, many organizations speak on behalf
2 of protecting our water, so on behalf of the Chamber,
3 our 617 businesses, our 13,000 member employees, please
4 listen to us and keep our water where it was intended
5 to be. Thank you.

6 MS. KARTHA: Next we have Mike Curtis.
7 Because he is representing more than one entity, we
8 will be giving him an extra minute.

9 MR. CURTIS: My name is Michael Curtis.
10 I'm an attorney at 148 North Country Club Drive. I'm
11 here today on behalf of Cortaro-Marana Irrigation
12 District, the Avra Valley Irrigation District and the
13 Hohokam Irrigation and Drainage District.

14 And years ago I also learned never to cross
15 the Sherrills. I just want to say that I think that
16 people in here representing support the concept of
17 rights there by contract or otherwise that are
18 alienable and able to be severed.

19 In this particular instance, the
20 Cortaro-Marana Irrigation District actually helped form
21 the Town of Marana in order to help protect it from not
22 having enough water.

23 There's not a problem with not enough water
24 in the Cortaro-Marana area. It's -- in Pima County --
25 yesterday somebody said that Avra Valley and

1 Cortaro-Marana were interested in water. They're
2 interested in communities. They work with Oro Valley
3 and with Tucson, with Marana.

4 Also the Hohokam District works with, as we
5 mentioned yesterday, the Coolidge, Casa Grande,
6 Florence.

7 And we believe that Queen Creek needs to have
8 urbanization and that this is sound water management.
9 It seems to comply with contractual law and that
10 farmers that do have rights, contract and otherwise,
11 ought to be able to sell their water in a society that
12 recognizes freedom to buy and sell, more or less not
13 rob the river of any water that these communities need;
14 but as has been noted, there apparently is plenty of
15 water here for the foreseeable future.

16 We concur with some of the thoughts that were
17 made here about freedom of contract. We're
18 particularly interested, however, my clients are, in
19 protecting communities that have a need for
20 urbanization. We think this is sound water management
21 policy consistent with the law, consistent with the law
22 of the river.

23 MS. KARTHA: Next we have Grady Gammage.

24 MR. GAMMAGE: My name is Grady Gammage,
25 Junior. My address is 2 North Central in Phoenix, and

1 I am an attorney for GSC Farms.

2 The process which we're here engaged in in
3 today is a process to evaluate individual transactions.
4 That process wants to look at the various factors in an
5 individual water transaction and evaluate whether or
6 not it makes sense from a statewide perspective.

7 When you use that kind of an evaluative
8 process in this circumstance, we feel strongly that you
9 will conclude that this transfer is in the interests of
10 all of Arizona.

11 If we didn't want to transfer anything, if we
12 had a blanket prohibition on transfer, we wouldn't need
13 that sort of evaluative process.

14 First, let me focus on this water for a
15 minute. This water was -- is subject to a right that
16 was created in the early 1950s by farmers such as the
17 ones we heard from today who diverted it directly from
18 the river themselves. That right is now memorialized
19 in a Section 5 contract with the Bureau of Reclamation,
20 a permanent contract.

21 We feel, as others did who spoke earlier,
22 strongly that that is a property right. There's a
23 debate about that, which we can talk about more, but
24 the reality is one way or another it is subject to
25 transfer if recommended by the Department and approved

1 by the Bureau of Reclamation.

2 There is 1.3 million acre-feet of Colorado
3 River water to be used on the river. There is no way
4 that can ever move to Central Arizona because we only
5 have one CAP canal, and it's close to full. It can
6 take a little bit of extra water.

7 There is only 15,000 acre-feet of that water
8 that is water like this, that is to say, Section 4
9 priority water where a contract is held by an
10 individual private party, not by a public entity.
11 15,000 is the total amount that we can talk about in
12 this kind of a transaction, and this transaction is
13 only 2,000 of that 15,000.

14 So the notion that this is somehow going to
15 be creating falling dominoes that will destroy the
16 on-river communities, I think is very unrealistic.

17 Queen Creek is trying to do the responsible
18 thing, that is to follow Arizona policy that urban
19 development should only take place on sustainable
20 resources.

21 Once the water is transferred, the property
22 that Greenstone, GSC, owns, will be subject to
23 development. And there was some misinformation given
24 out earlier about the 300 acre-feet that is held by the
25 Cibola District. That is held for domestic purposes

1 within the Cibola District.

2 GSC Farms is a member of the Cibola District
3 and can apply for that water. It can only be used
4 within the Cibola District. It can't be transferred
5 somewhere else. And it is only for domestic purposes
6 and only a portion of that would be needed to develop
7 this property. And when this property is developed, it
8 will have much more economic impact to this entire area
9 than the existing farming operation. The existing
10 farming operation is connected to California and all of
11 the economic benefit of it flows into California.

12 So, again, we feel when you fairly evaluate
13 this proposition --

14 MS. KARTHA: Mr. Gammage, your time is
15 up.

16 MR. GAMMAGE: -- this is to the benefit
17 of all of Arizona. Thank you.

18 MS. KARTHA: Next we have Paul Gardner.

19 MR. GARDNER: My name is Paul Gardner.
20 I'm the Director of Utilities for the Town of Queen
21 Creek, and I've never felt so welcomed at a public
22 event. I'm glad to have all my close personal friends
23 in attendance.

24 Our -- my charge for the utility is to go out
25 and to pursue renewable water resources to supplement

1 the legal right we have to pump groundwater. And there
2 have been many articles lately printed about the
3 impacts of CAGRD and the costs thereof and impact to
4 our citizens.

5 As a young community incorporated in 1989, we
6 are limited in the ability to access certain
7 infrastructure resources available to other valley
8 municipalities, requiring the town to pursue
9 alternative avenues for important capital improvements
10 and investments like roads and water.

11 We have a robust 495 acre-feet of CAP water.
12 Can I just say that is the smallest amount of CAP water
13 owned by a municipality in the greater Phoenix area by
14 at least ten times.

15 There was a transaction done by the City of
16 Surprise with Circle City that had maybe 3,000
17 residents that had close to eight times that amount of
18 water set aside for Circle City.

19 The Town of Queen Creek is developing in a
20 multi-facet approach for ensuring long-term
21 generational access to water, and one of the elements
22 of this overall strategy -- and there's been many
23 suggestions we need to look elsewhere -- we are looking
24 at every available water resource in this state.

25 And through an agreement with our neighbor,

1 Roosevelt Water Irrigation District, and permitted
2 recovery wells that the town owns, we'll have immediate
3 ability to use this transferred water by storing it and
4 recovering it.

5 The transferred water will help the town
6 minimize its reliance on groundwater, which we are
7 legally allowed to pump, preventing nearly 200,000
8 acre-feet of groundwater from being pumped over the
9 next 100 years, benefiting current and future
10 generations.

11 Reducing the reliance on groundwater with
12 renewable water is the intention of the Groundwater
13 Management Act; and while the town has the legal right
14 to pump up to 43,000 acre-feet a year of groundwater,
15 the transfer will help the town be good stewards of
16 water, leave as much groundwater as possible and move
17 us closer to safe-yield, which is the State of
18 Arizona's mandate in the Phoenix AMA.

19 And, again, I thank the Department of Water
20 Resources for holding these hearings and allowing us to
21 at least give our point of view. Thank you.

22 MS. KARTHA: Next we have Mike Pearce.

23 MR. PEARCE: Good morning, Ms. Kartha,
24 Director Buschatzke, and members of the public. My
25 name is Michael Pearce. I'm an attorney. I am

1 representing both the GSC Farm and the Town of Queen
2 Creek in attempting to facilitate this transfer, so I'm
3 going to speak obviously in favor of it.

4 But I want to address one specific point here
5 this morning. I have in my hand a letter written by my
6 former boss and now friend, N.W. or Bill Plummer, dated
7 February 28th, 1990. I was working for Mr. Plummer
8 when this letter was written, and I know the context of
9 it.

10 And in this letter, Mr. Plummer promises
11 unequivocally to reserve 4,900 acre-feet of future M&I
12 allocation for distribution along the Colorado River.
13 4,900 acre-feet. Not 164,000 acre-feet? No, it's
14 4,900 acre-feet.

15 What he's doing in this letter is allocating
16 some of the unallocated resources of the co-equal 4th
17 priority to anybody that was interested. So he
18 solicited applications, received several and in
19 response to comments even increased the allocations.

20 Mr. Plummer had no authority in 1990 to
21 reserve 164,000 acre-feet. By the time this letter was
22 written, two-thirds of that water had already been
23 allocated to Cibola in 1983, to Mohave Valley in the
24 mid 1980s.

25 This was about the remaining unallocated

1 water that he had. So I got to thinking, well, what
2 about Mr. Plummer's prognosis on the health of the
3 river.

4 His point in the letter was I've given you
5 quite a bit. Let's see how that goes. I'm going to
6 hold 4,900 back.

7 So today -- these numbers come direct from
8 the Bureau of Reclamation -- Bullhead City, allocation
9 24,349. Actual use last year, 10,000, 43 percent.
10 Lake Havasu City, allocation 28,332, last year 12,005,
11 44 percent. Golden Shores 2,000 acre-feet, last year's
12 use 428 -- 21 percent, 19 percent, 50 percent, 47
13 percent.

14 Representing cities and towns across Arizona,
15 I can tell you these are very favorable numbers, and I
16 say good for you. This is -- and good for Mr. Plummer
17 to have the foresight back in 1990 to allocate enough
18 water that it's been good for 30 years of uninterrupted
19 growth with 50 percent still to go. Maybe it's enough
20 water for the next 50 years or even the next 100 years,
21 but in any event he still has 4,900 acre-feet to go
22 that's never been allocated.

23 MS. KARTHA: Mr. Pearce.

24 MR. PEARCE: Thank you.

25 MS. KARTHA: Next we have Larry Morse.

1 MR. MORSE: Thank you. I'm Larry Morse.
2 I'm a civil engineer here in Bullhead City. I've been
3 here for about 30 years. I graduated University of
4 Arizona in -- a degree in hydrology.

5 During my course work, one of the most
6 influential courses that I had dealt with the Owens
7 Valley and what -- the progression that happened with
8 that when water was taken away from one area and wholly
9 transmitted to another area, basically drying it up
10 almost completely. They made a few more mistakes
11 after -- after they got through drying it up, they made
12 a few more mistakes by trying to recover some of
13 their -- their investment by selling the land again,
14 which created a whole nother pile of issues.

15 It just -- it just -- it befuddles me, you
16 know, in working this -- and we've worked with -- with
17 groundwater issues and -- and surface water issues for
18 -- forever around here. As a matter of fact, we're
19 instrumental in helping Bullhead City obtain their last
20 allocation, not -- or the last allocation from
21 unallocated water in the United States or in the
22 Colorado River.

23 I guess in looking back, you know, I just --
24 just -- It's incredible that we would do the same thing
25 over and over again expecting a different outcome or

1 Albert Einstein. Thank you.

2 MS. KARTHA: Next we have Sandy Morse.

3 MS. MORSE: Hello, my name is Sandy
4 Morse. I'm from Fort Mohave, Arizona, and my husband
5 and I, who just spoke, we have our engineering -- I
6 graduated from the University of Arizona with a
7 master's degree in soil and water science with the
8 College of Agriculture, and I just have a few points.
9 A lot of them were covered.

10 I oppose the transfer of water, and I want to
11 address a couple of issues. About -- one about the
12 low-value crops that they say that the farmers are
13 growing these days. Mohave Valley in the past has used
14 crop rotation and did cotton, alfalfa and then some
15 grain crops.

16 Well, with the advent of the purchase of all
17 the water rights, most of the farmers in a lot of the
18 allocated areas are no longer farming, and we find that
19 a lot of them don't want to farm anymore, and they
20 plant low-value crops like alfalfa, and that's all they
21 grow out here because it's high water use. It is a
22 plant to stand, and it can last several years. They
23 can get several cuttings out of it because of our area
24 and that they can claim -- come here and claim that
25 they use all this water and keep their allocations by

1 using these high-water-use crops.

2 Now, in Yuma, they still grow food crops.
3 Now, of course, I can't -- alfalfa you feed to dairy
4 cattle, horses, but -- and if you like yogurt, ice
5 cream, things like that, it is like a secondary crop.

6 In Yuma, it is our salad bowl. It produces
7 salads -- excuse me -- produces lettuce. I'm nervous.
8 It produces direct food crops that go to the market.

9 So I have a -- a quote here that I had found.
10 "The price that society has to pay for food is the
11 water and the land required to produce the crops needed
12 for food. There is no other choice."

13 We have prime farmland right along in --
14 along the Colorado River -- and if you look at
15 Cibola -- and if it wasn't prime, it wouldn't be
16 farmed. So you take this out of production, where
17 are your future food crop going to come from, so that
18 is an issue.

19 Now, as far as agricultural concern,
20 agribusiness in -- in Arizona, it still is an important
21 contributor to our economic base. It says here, this
22 is in 2017, Arizona agricul -- agribusiness -- and
23 that's everything related to agricultural and -- oops,
24 stuck. Everything related to agriculture --

25 MS. KARTHA: Ms. Morse, your time is up.

1 MS. MORSE: -- is 23.3 billion dollars in
2 the state of Arizona in 2017. Do not transfer water.

3 MS. KARTHA: Ms. Morse, you can provide
4 us written comments if you'd like to.

5 MS. MORSE: Pardon?

6 MS. KARTHA: You can provide written
7 comments if you want to.

8 Next is Josh Meyer.

9 MR. MEYER: My name is Josh Meyer, Meyer
10 Farms. We own property, farmland in the Yuma area and
11 in Imperial Valley of California. And Mike from GSC
12 Farms asked me to speak today because he knows that I
13 support transfers like this.

14 And the reason I support it is because I feel
15 that with the growing population of the area, the
16 reduction in the water supplies due to global warming,
17 the environmental issues, that we need to be more
18 flexible in the management of our water. And so a lot
19 of water is used by agriculture, some of it is going to
20 have to come from there.

21 And I think -- I'd like to address the
22 slippery slope argument, that the people here in Mohave
23 think that if this is approved that they're coming
24 after their water next. I would say I don't believe
25 that argument is valid.

1 Each water transfer is evaluated
2 independently, so this one is not the same as the
3 transfer from Mohave Valley. Just because this one is
4 approved, there's no reason that transfers from Mohave
5 Valley would be approved. And I actually believe the
6 opposite. I believe that if some transfers are
7 approved it will reduce the pressure on the remaining
8 communities to transfer their water.

9 So -- and I mean and look at this transfer.
10 Cibola, I think, probably a handful of people here have
11 even been to Cibola. And farmland down there, cotton,
12 last I checked I think cotton is around 65 cents for it
13 to take 74 to 76 cents to grow it. So why are we using
14 our valuable water on cotton? Alfalfa, we're sending
15 that to Saudi Arabia and exporting it to other places.
16 It doesn't make sense to me.

17 Also I think if the people here think you can
18 just say "no" to all transfers and that you'll have
19 your water in the future when you need it, I would say
20 ask people from Imperial Valley how that worked out for
21 them.

22 They have prior perfected rights there; and
23 when they didn't agree to sell their water to Los
24 Angeles in the early 2000s, the Federal government just
25 came in and said you're wasting water and cut their

1 water over.

2 So -- so I don't think that you can count on
3 just saying "no" to everything. I think we need to be
4 flexible. We need to be proactive. We need to make
5 transfers when we want to and not have them forced on
6 us. Thank you.

7 MS. KARTHA: Next we have Dan Oehler.
8 Sorry if I mispronounced your name.

9 MR. OEHLER: Good morning. My name is
10 Dan Oehler. I'm a resident here in Bullhead City. I
11 have lived here, well, in the next two months it will
12 be 50 years. Although I originally came to Bullhead
13 City back in the early 1960s when I had just started
14 high school. At that time our community had a
15 population of about -- this is about -- 500 people.
16 There's been fairly significant growth over the 50
17 years that I've been here.

18 Certainly I am opposed to allowing the camel
19 to get his nose into the tent, and that's exactly what
20 is occurring here. It's exactly what was occurring
21 about a year ago.

22 I -- I -- I think it is all said with simply
23 repeating one of your comments, Ms. -- is it Kartha, I
24 believe. I -- I think I wrote this down correctly --
25 but it may not be -- but I -- I believe that her

1 comment was the only dependable supply of water, or
2 words to that effect, is Colorado River.

3 While I certainly sympathize with the
4 gentleman from Queen Creek and his efforts to supply
5 his community with future water resources, I don't
6 think a person here is opposed to Queen Creek's growth.

7 The issue is we're opposed, I believe, to
8 other communities' growth to our detriment, and that is
9 exactly what will ultimately occur here.

10 The law, I believe and as I see it, is really
11 based on precedence, and what we're looking for here
12 with this issue is creation for bringing about a
13 precedence, and I think it is a very negative one for
14 our community.

15 Our company has developed something in the
16 range of a thousand residential lots in this area
17 since -- since I've been here. And there are thousands
18 more yet to develop for the benefit of our community,
19 and we can only do that with water.

20 So the only dependable supply of water is the
21 Colorado River. I will tell you unlike Queen Creek,
22 unlike Maricopa County, unlike Pima County, we have
23 no groundwater in our community of Bullhead City or
24 along the river. We do not have a drop as Mark Clark
25 indicated to you. Our only supply, our only supply is

1 the Colorado River. We need to retain that supply of
2 river for the benefit of this community --

3 MS. KARTHA: Mr. Oehler --

4 MR. OEHLER: -- and all of the Colorado
5 River communities.

6 MS. KARTHA: -- time's up.

7 MR. OEHLER: Thank you.

8 MS. KARTHA: But I can take your written
9 comments.

10 Next we have Gary Genovese. Okay. Let the
11 record reflect that Mr. Genovese may have left. Next
12 we have Eva Corbett. Let the record reflect that Eva
13 Corbett left as well. Next we have Jamie Kelley.

14 MS. KELLEY: Good morning. I'm Jamie
15 Kelley. I'm representing myself. I just -- for the
16 record, I was one of the 500 people living here when
17 Dan Oehler came to visit in the 1960s.

18 There's a few things I'd like to address
19 relative to comments from others. Somebody referenced
20 surplus waters. That's a term of art in the law of the
21 river. We don't have any surplus water right now.
22 We're in a time of drought.

23 Relative to Mr. Sherrill, I'd like to say we
24 want the farmers to use their water. Please start
25 growing those crops and produce crops in our economy.

1 We want you to grow them in our economy, not grow
2 rooftops in Central Arizona.

3 I think there's some confusion. There's been
4 a lot of talk as if the rights under a Section 5
5 contract under the Boulder Canyon Project Act for the
6 right to use 4th priority Colorado River water is a
7 private property right. It is not. It's a use of
8 right right. It is the right to use that water on
9 defined land for defined purposes.

10 And I know we've heard testimony that the
11 farmers were here and they created the rights for us.
12 Well, guess what, folks, as Mr. Pearce said, they're
13 co-equal 4th priority rights. If you had a right that
14 was entitled to protection, you were awarded present
15 perfected rights under the Arizona-California decree,
16 and we're not talking about those today. We are just
17 talking about 4th priority water rights.

18 It's interesting in the contracting question,
19 if you look at paragraph 36, it states that no official
20 is to benefit from the contract other than the right to
21 use the water.

22 If this transfer is approved, it sets a
23 terrible precedence because it transfers water for
24 profit, some 20 million dollars of profit at the cost
25 of the economic future of the river communities.

1 That's a really steep price. That's a lot of money
2 that Queen Creek is paying for the water, but we don't
3 have any water to replace it if it goes because we
4 only(sic) have groundwater.

5 I have less than a minute now.

6 If Queen -- if GSC Farms does not need the
7 water, the contract should be canceled and reallocated
8 in accordance with DWR's policy.

9 We disagree with the proponents of the
10 transfer that it is sound water management policy to
11 transfer water from on-river communities, that only
12 have 4th priority water, to Central Arizona. That
13 prioritizes growth in Central Arizona at the expense of
14 the river communities, and that simply is bad policy.
15 Thank you.

16 MS. KARTHA: Next we have Nick Parsons.

17 Nick Parsons may have left. Please let the
18 record reflect that. Nick Parsons is here.

19 MR. PARSONS: Yes, I am.

20 Hello, my name is Nick Parsons. I'm -- I've
21 moved here from Alabama, and my first time coming here
22 was Prescott, and I went -- a mistake -- and went and
23 swam in Lynx Lake up there, and apparently you're not
24 supposed to because what I considered a pond was their
25 water source.

1 So I mean it was very obvious in the
2 beginning of me coming to this state, which I've been
3 here for about 20 years now. I bought land over in
4 Apache County and St. Johns and my home here in
5 Bullhead City.

6 So I've learned a little bit about the water
7 tables here. And I didn't even know there was a Little
8 Colorado River over there in Apache County, but there's
9 a -- was something implemented in 1980, the Water
10 Conservation Act, and it was grandfathered in to
11 prevent -- and I'm glad you guys said some dates
12 because Queen Creek was implemented in '89, so that
13 means that 1980 grandfather would trump your '89 town.
14 I mean, I'm sorry.

15 But -- and when I bought my 40 acres, I was
16 only -- I thought I was going to be able to do like
17 California and subdivide every half acre and be -- be
18 rich, right. I was only able to subdivide into 10-acre
19 parcels.

20 So it has been written in Arizona for a very
21 long, long time of the development, and that's what the
22 Conservation Act implements, is that we only could use
23 the water of -- surface water that's seeped its --
24 decked back down into the groundwater. It's been in
25 there. You guys lower it. You should know this.

1 So, like I said, it -- it is a Water
2 Conservation Act at this point that I think is going to
3 be -- you guys really do need to take a look at because
4 we're a desert and you can only limit the amount of
5 development in our desert.

6 And sorry that Phoenix is so much more
7 bigger, but if you didn't work smart enough to buy
8 where the water was, why did you move to a desert? You
9 have Gila River. You have Salt Lake. You have the
10 Verde River, so I think your 10 million people down
11 there -- population is enough, and we need some more.

12 I'd love to see an Apple store up here. I'd
13 love to see Boeing. I've been pushing -- I'm going to
14 push advance in writing about electric solar things and
15 -- and add science. I've already put -- tried pushing
16 this agenda too. We need to start using our reclaimed
17 water in Arizona. It's -- it's becoming a very close
18 fact. I mean, it's nose on even -- nose on your face
19 like this.

20 So, see, I'm out of time. She already put
21 her one minute up. I don't want to use too much time,
22 so -- but reclaimed water is going to be our future in
23 Arizona, and it will make a difference in our entire
24 state. It'll become a space program. NASA will love
25 us. Have a great day, guys.

1 MS. KARTHA: Could I have Bart Anderson
2 up here, please.

3 MR. ANDERSON: Good morning. I'm Bart
4 Anderson. I'm a resident here of Bullhead City. I
5 feel a little ill-prepared. I don't have notes or a
6 speech written, but I'm here to oppose this transfer
7 because I think it's -- I mean water obviously is
8 essential and limited, and I think it's important that
9 we as citizens need to stand up for transfers of water
10 at corporate profiteering at the expense of citizens.

11 I -- as I listen to the farmers, I understand
12 the limitations of government controlling water rights.
13 I mean, I understand it on the surface, at least; but I
14 guess my thoughts are they -- the farmers should be
15 able to sell their water, but I believe it should be
16 limited to the community in which they're located. So
17 to transfer it out of the area for corporate
18 profiteering in a completely different area concerns
19 me.

20 So, again, I'm just here to publically speak
21 that I'm against the movement of water, and thank you
22 for your time.

23 MS. KARTHA: That was the last speaker
24 card. Is there anyone else who would like to speak?
25 We have Patrick Cunningham.

1 MR. CUNNINGHAM: Hi, I'm Patrick
2 Cunningham from HighGround Public Affairs. We
3 represent Mohave County, Mohave County Water Authority.
4 I wanted to specifically welcome Paul Gardner, my
5 colleague, to Mohave County. Paul is a distinguished
6 water professional, and he is carrying out the policy
7 of his Mayor and his city, his town, to find water from
8 all of the above.

9 And we met with Paul and his Mayor, his City
10 Council, his -- his City Manager way back in January,
11 and they explained their need for water and that they
12 were seeking it from all sources.

13 We, as you might imagine, Mohave County, have
14 some sources that we think should be higher on their
15 priority list, and I just want to go through them
16 quickly with you.

17 First of all, we think that the Harquahala
18 Basin is a transfer basin. The legislature made it a
19 transfer basin way back in 1991. It could have 15
20 million acre-feet. It could have 40 million acre-feet,
21 depending on who you believe, and it is a place where a
22 political subdivision like Queen Creek could buy land
23 or buy credits, put the water in the canal and move
24 that water on a permanent basis to their -- to their
25 town.

1 Secondly, we think CAGRD is a viable option.
2 CAGRD, the Central Arizona Groundwater Replenishment
3 District. CAGRD was created by the legislature again
4 in the 1990s to help developers make -- make their
5 commitments under the Groundwater Management Act and be
6 able to develop in Central Arizona.

7 There are many CAGRD lands that are inside
8 Queen Creek. That water may be more expensive than
9 coming all the way to the Colorado River, but that
10 water is available. We think that's the second option.

11 The third option is the Gila River Indian
12 Community. Gila River Indian Community leases water,
13 and we think they'll have some available. They have a
14 very favorable settlement with a lot of water.

15 On the horizon is the Colorado River Indian
16 Community, which is working hard to decide how they're
17 going to develop some of their resources and bring some
18 of that water, maybe as much as 150,000 acre-feet, to
19 Central Arizona.

20 So we think there are alternatives now and
21 alternatives in the future for Queen Creek's growth as
22 opposed to doing this transfer.

23 And, finally, I'd like to read just portions
24 of a letter -- with my one-minute sign -- from Leo
25 Biasiucci. He's your representative. He is traveling

1 out of the country today, but he took the time to write
2 a letter.

3 And he, obviously, opposes this transfer, and
4 he says perhaps my most passionate argument rests in
5 the damage this transfer will cause for the people of
6 my district and inevitably all rural Arizona if it goes
7 through.

8 That water is the economic life blood of the
9 river communities. Once it's gone it will never
10 return. Therefore, I urge the Department to follow the
11 established precedent, reject this transfer it
12 represents because it represents far more than 2,000
13 acre-feet of water. Thank you very much.

14 MS. KARTHA: May I have Wade Noble?

15 MR. NOBLE: My name is Wade Noble. I'm
16 here today representing Yuma Irrigation District, North
17 Gila Valley Irrigation and Drainage District, and I
18 represent other districts in the Yuma area.

19 First let me explain, the Yuma Irrigation
20 District and North Gila Valley Irrigation and Drainage
21 District are opposed to this proposed transfer of
22 water. Wellton-Mohawk Irrigation and Drainage District
23 is seriously concerned about this particular transfer.

24 As Grady said, this is a process to evaluate
25 the transaction. What haven't we heard? Even though

1 many of us are opposed to it, we should be asking
2 questions about some things that haven't been stated.
3 You would think that everything about this particular
4 transaction has been made public, and perhaps in some
5 ways it has; but until Jamie Kelley got up and told you
6 what the value of this contract is, we really hadn't
7 heard it stated. I think her 20 million dollars for
8 2,088 feet of water might be a little bit low as
9 compared to what they're probably actually getting.

10 They tell us, well, don't worry about this
11 because it's not going to start a big demand to go
12 ahead and transfer water.

13 At that price per acre-foot, even Josh Meyer
14 couldn't stay away, and we recognize that. Water Asset
15 Management, they own land down in the Yuma area. They
16 can't stay away from this. It just simply starts
17 salivation as to what can be gotten for water if you
18 can transfer it. That's why this transaction is not
19 beneficial to all of Arizona. It's not beneficial to
20 us here on the river.

21 Finally, I looked at the press release from
22 the Town of Queen Creek. I -- One thing jumped out at
23 me. If you'll allow us to take this water off the
24 river, we can put 200,000 acre-feet of groundwater back
25 in the ground or keep it in the ground in Pinal County

1 and other areas that are in Active Management Areas
2 commonly known as AMAs.

3 M'mm, if I'm sitting over there and I'm
4 running out of water, I think I'll find a way to make
5 sure that I can buy the water, put it in the canal, and
6 the capacity will be there. We can assure you that.
7 Put it in the canal and get it into Central Arizona.
8 This is a gate. If we open the gate, we on the river
9 are going to suffer, whether it is municipalities or
10 agriculture. We suggest the gate not be opened.

11 MS. KARTHA: Is there anyone else that
12 would like to speak?

13 Let the record reflect that no one else
14 wishes to speak.

15 Is there anyone here who wishes to submit any
16 written comments or evidence that they have brought
17 with them?

18 Let the record reflect that no one wishes to
19 submit any written comments or evidence.

20 As I mentioned earlier, written comments
21 maybe submitted until 5 p.m., December 16th.

22 If you would like to submit written comments
23 after the close of the meeting but no later than
24 December 16th, please mail, fax or email them to Sharon
25 Scantlebury, the Department's Docket Supervisor. Her

1 fax number is 602-771-8686 and her email address is
2 sscantlebury@azwater.gov.

3 If you would like to mail your comments, the
4 mailing address is: Arizona Department of Water
5 Resources, Attention Sharon Scantlebury, Docket
6 Supervisor. PO Box 36020, Phoenix, Arizona 85067-6020.

7 The information that I just provided to you
8 is on the slide that is on the monitor right now. In
9 addition, it is also posted on our website. If you go
10 to our ADWR -- www.azwater.gov and if you scroll down,
11 it is at the bottom under Current Initiatives, click on
12 the link to Public Notice: Proposed Transfer of GSC
13 Water, and you will find this PowerPoint presentation
14 for all the meetings at that site.

15 This public meeting is now adjourned. Thank
16 you all for attending and providing comments.

17 (WHEREUPON, the public hearing was
18 adjourned.)

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C E R T I F I C A T E

BE IT KNOWN that the foregoing proceedings were reported by Dorothy A. Schulte, Certified Reporter, Certificate No. 50459, State of Arizona, from an audio recording, and reduced to written form under my direction; that the foregoing 67 pages constitute a full, true, and accurate transcript from an audio recording; all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 8th day of December, 2019.

Dorothy A. Schulte

Dorothy A. Schulte, RPR
Certified Court Reporter
Certified No. 50459

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